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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,768

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Tony Roberts

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757 7590 03/25/2008  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

EXAMINER

AMORES, KAREN J

ART UNIT

PAPER NUMBER

3616

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DELIVERY MODE

03/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/509,768	<b>Applicant(s)</b> ROBERTS ET AL.	
	<b>Examiner</b> KAREN JANE J. AMORES	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,11-19,22 and 23 is/are rejected.
- 7) ☒ Claim(s) 3,9,10,15,20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/28/2004, 8/14/2006</u> .                                    | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8 – 12, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 8 recites the limitation "the portions of elongate flexible element" in line 2. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 9 recites the limitation "the point of attachment" in line 2. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 11 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are between the "first elongate flexible element portion", "the second

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elongate flexible element”, and the “the slide member”. Further, claim 11 recites the limitation “the guide element” in line 10. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 22 recites the limitation “the guide element” in line 7. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 2, 4, 5, 8, 11 – 14, 16, 19, 22, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomas et al. U.S. 6,733,035 (“Thomas”). Thomas discloses a safety device for a motor vehicle comprising an inflatable curtain having an upper edge and a lower edge (column 1, line 18), the upper edge being adapted to be mounted to the motor vehicle within the interior of the motor vehicle, a first portion (144') of an elongate, flexible element (144) being attached to and extending from the inflatable curtain, a second portion (142') of an elongate flexible element being attached to and extending from the inflatable curtain, the first portion of elongate, flexible element incorporating a slide member (133) adapted to slidably retain a length of said the second portion of elongate (fig. 6), flexible element whereby, upon

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deployment of the inflatable curtain, the first and second portions are placed in tension, which exerts tension on the inflatable curtain.

11. In reference to claims 2, 4, 5, 8, 11 and, 12, Thomas further discloses the first and second portions of elongate, flexible element are separate segments of a single elongate, flexible element (fig. 6); wherein the first and second portions of elongate flexible element are each attached to a point on the inflatable curtain which is in the region of said the lower edge (fig. 7); wherein the slide member is in the form of a rigid ring (137); wherein both of the first and the portions of elongate flexible element are substantially inextensible; the first elongate flexible element portion engages with a first guide element (141) fixed to the motor vehicle, the second elongate flexible element being further attached to the motor vehicle at a point (191') being below the first guide element, the slide member slidably retaining said the second portion of elongate flexible element, wherein upon inflation of the inflatable curtain, the lower edge moves to a position below said the guide element and said the portions of elongate flexible element thereby create tension along a line (140) of the inflatable curtain, between the first and the second portions and a securing point (134) for the inflatable curtain; and wherein the device further comprises a second guide element (191') positioned within the motor vehicle at a point below said first guide element, said the second guide element engaging with the second portion of elongate flexible element between the slide member and inflatable curtain.

12. In reference to claim 13, Thomas discloses a safety device for a motor vehicle comprising an inflatable curtain having an upper edge and a lower edge (column 1, line 18), the upper edge being adapted to be mounted to the motor vehicle within the interior of the motor vehicle, a first portion (144) of an elongate flexible element being attached at one end to the inflatable curtain at

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near the lower edge, a second portion (142') of an elongate flexible element being attached at one end to the inflatable curtain at near the lower edge and having a second end attached to the motor vehicle, a second end of the first portion of elongate flexible element incorporating a slide member (133) adapted to slidably retain a length of the second portion of elongate flexible element whereby, upon deployment of the inflatable curtain, the lower edge moves downwardly from the upper edge causing the second portion to slide through the slide member and the first and second portions of the flexible element are placed in tension, which exerts tension on the inflatable curtain.

13. In reference to claims 14, 16, 19, 22, and 23, Thomas further discloses the first and second portions of elongate flexible element are separate segments of a single elongate, flexible element (fig. 6); wherein the slide member is in the form of a rigid ring (137); wherein both of the first and the second portions of elongate flexible element are substantially inextensible; wherein the first elongate flexible element portion engaging with a first guide element (141) fixed to the motor vehicle, the second elongate flexible element being further attached to the motor vehicle at a point (191') being below the first guide element, the slide member slidably retaining the second portion of elongate flexible element, wherein upon inflation of the inflatable curtain, the lower edge moves to a position below the guide element and the first and the second portions of elongate flexible element thereby create tension along a line of the inflatable curtain (fig. 7), between the portions and a securing point (134') for the inflatable curtain; and wherein the safety device further comprises a second guide element (191) positioned within the motor vehicle at a point below the first guide element, the second guide element engaging with the second portion of elongate flexible element between the slide member and inflatable curtain.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 6, 7, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Bakhsh et al. U.S. 2004/010073 ("Bakhsh"). Thomas does not disclose at least one of the first or second portions of elongate flexible element is elastic. Bakhsh teaches a first or second portion of elongate flexible element is elastic [0048]. Bakhsh further teaches that bothg of the portions is capable of being elastic. It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Thomas such that it comprised a first or second portion of elongate flexible element as elastic in view of the teachings of Backhsh so as to help guide and position the curtain [0048] in a method old and well known in the art.

***Allowable Subject Matter***

16. Claims 3, 15, 20, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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17. Claims 9 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

18. The following is a statement of reasons for the indication of allowable subject matter: Claims 9, 10, 20, and 21 include the limitation of an elastic connection point. Though cited references may comprise this kind of connection, the filing dates cannot consider the references prior art.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tesch et al. U.S. 2002/0175502 discloses a tensioning assembly for curtain-style inflatable air bags.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN JANE J. AMORES whose telephone number is (571)272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571)-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished



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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Karen J. Amores  
Examiner  
Art Unit 3616

/K. J. A./  
Examiner, Art Unit 3616

/T. C. T./

Primary Examiner, Art Unit 3616

/Toan C To/

Patent Examiner, Art Unit 3616

March 18, 2008